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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

Plaintiff(s),  
vs.  
Defendant(s).

CASE NO. CV      BRO

**ORDER FOR CIVIL JURY TRIAL**  
**SEE LAST PAGE FOR PRETRIAL  
AND TRIAL DATES**

**UNLESS OTHERWISE ORDERED BY THE COURT, THE FOLLOWING  
RULES SHALL APPLY:**

**I.                            E-FILING REQUIREMENTS**

Mandatory paper Chambers copies of all e-filed motion, opposition and/or reply documents must be delivered to Judge O’Connell’s box, on the Spring Street floor of USDC, located at 312 N. Spring St., Los Angeles, by noon on the day after e-filing. Documents will not be considered until chambers copies are submitted. Attached the NEF to the BACK of the chambers copy. Chambers copies delivered by Federal Express should not require the signature of the recipient.

1 **II. SCHEDULING**

2 **A. In General**

3 All motions to join other parties or to amend the pleadings shall be filed and  
4 served by the cut-off date specified in the Scheduling Order and if not specified by the  
5 Rules of Civil Procedure and the applicable local rules.

6 **B. Motions for Summary Judgment or Partial Summary Judgment**

7 Motions for summary judgment or partial summary judgment shall be filed as  
8 soon as practical, however, in no event later than the motion cut-off hearing date.

9 **C. Discovery Cut-Off**

10 The Court has established a cut-off date for discovery in this action. All  
11 discovery shall be complete by the discovery cut-off date specified in the Scheduling  
12 Order. **This is not the date by which discovery requests must be served; it is the  
13 date by which all discovery is to be completed.**

14 In an effort to provide further guidance to the parties, the Court notes the  
15 following:

16 a. Depositions

17 All depositions shall be scheduled to commence sufficiently in advance of the  
18 discovery cut-off date to permit their completion and to permit the deposing party  
19 enough time to bring any discovery motion concerning the deposition prior to the cut-  
20 off date.

21 b. Written Discovery

22 All interrogatories, requests for production of documents, and requests for  
23 admission shall be served sufficiently in advance of the discovery cut-off date to permit  
24 the discovering party enough time to challenge (via motion practice) responses deemed  
25 to be deficient.



1 **III. FINAL PRE-TRIAL CONFERENCE (“PTC”)**

2 This case has been placed on calendar for a Final Pre-Trial Conference pursuant  
3 to Fed. R. Civ. P. 16 and 26. Unless excused for good cause, each party appearing in  
4 this action shall be represented at the Final Pre-Trial Conference, and all pre-trial  
5 meetings of counsel, by the attorney who is to have charge of the conduct of the trial  
6 on behalf of such party.

7 *Pro per* parties are not exempt from following Federal Rule of Civil Procedure  
8 16.

9 **STRICT COMPLIANCE WITH THE REQUIREMENT OF FED. R. CIV. P.**  
10 **16, 26 AND LOCAL RULES ARE REQUIRED BY THE COURT.** Therefore,  
11 carefully prepared Memoranda of Contentions of Fact and Law, a Joint Witness List,  
12 and Joint Exhibit List shall be submitted to the Court. The Joint Witness List shall  
13 contain a brief statement of the testimony for each witness, **what makes the testimony**  
14 **unique** from any other witness testimony, and the time estimate for such testimony.  
15 The Joint Exhibit List shall contain any objections to authenticity and/or admissibility  
16 to the exhibit(s) and the reasons for the objections.

17 The Memoranda of Contentions of Fact and Law, Witness List, and Exhibit List  
18 are due fourteen (14) days before the Final Pre-Trial Conference. **The parties shall**  
19 **provide an electronic copy of the Memoranda of Contentions of Fact and Law,**  
20 **Witness List and Exhibit List in Microsoft Word format to the Judge’s**  
21 **Chamber’s Email at [BRO Chambers@cacd.uscourts.gov](mailto:BRO_Chambers@cacd.uscourts.gov) .** The parties shall  
22 **provide hyperlinks to case citations and/or evidence.**

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25 **IV. FINAL PRETRIAL CONFERENCE ORDER (“PTCO”)**

26 The proposed PTCO shall be lodged fourteen (14) days before the PTC.  
27 Adherence to this time requirement is necessary for in-chambers preparation of the

1 matter. The form of the proposed PTCO shall comply with Appendix A to the Local  
2 Rules and the following:

3 A. Place in "all caps" and in "bold" the separately numbered headings  
4 for each category in the PTCO (*e.g.*, "1. **THE PARTIES**" or "7. **CLAIMS AND**  
5 **DEFENSES OF THE PARTIES**").

6 B. Include a table of contents at the beginning.

7 C. In specifying the surviving pleadings under section 1, state which  
8 claims or counterclaims have been dismissed or abandoned, *e.g.*, "Plaintiff's second  
9 cause of action for breach of fiduciary duty has been dismissed." Also, in multiple  
10 party cases where not all claims or counterclaims will be prosecuted against all  
11 remaining parties on the opposing side, please specify to which party each claim or  
12 counterclaim is directed.

13 D. In specifying the parties' claims and defenses under section 7, each  
14 party shall closely follow the examples set forth in Appendix A of the Local Rules.

15 E. In drafting the PTCO, the court also expects that the parties will  
16 attempt to agree on and set forth as many non-contested facts as possible. The court  
17 will usually read the uncontested facts to the jury at the start of trial. A carefully  
18 drafted and comprehensively stated stipulation of facts will reduce the length of trial  
19 and increase jury understanding of the case.

20 F. In drafting the factual issues in dispute for the PTCO, the parties  
21 should attempt to state issues in ultimate fact form, not in the form of evidentiary fact  
22 issues. The issues of fact should track the elements of a claim or defense on which the  
23 jury will be required to make findings.

24 G. Issues of law should state legal issues on which the court will be  
25 required to rule during the trial and should not list ultimate fact issues to be submitted  
26 to the trier of fact.



1 Fourteen (14) days before the hearing, counsel shall file with the Court a  
2 JOINT set of jury instructions on which there is agreement. Defendant's counsel has  
3 the burden of preparing the joint set of jury instructions. At the same time, each party  
4 shall file its proposed jury instructions which are objected to by any other party,  
5 accompanied by points and authorities in support of those instructions.

6 When the parties disagree on an instruction, the party opposing the instruction  
7 must attach a short statement (one to two paragraphs) supporting the objection, and  
8 the party submitting the instruction must attach a short reply supporting the  
9 instruction. Each statement should be on a separate page and should follow directly  
10 after the disputed instruction.

11 The parties ultimately must submit one document, or if the parties disagree  
12 over any proposed jury instructions, three documents. The three documents shall  
13 consist of: (1) a set of Joint Proposed Jury Instructions; (2) Plaintiff's Disputed Jury  
14 Instructions; and (3) Defendant's Disputed Jury Instructions. Any disputed  
15 Jury Instructions shall include the reasons supporting and opposing each disputed  
16 instruction in the format set forth in the previous paragraph.

17 The Court requires that the Jury Instructions, disputed Jury Instructions be  
18 emailed to the Courtroom Deputy Clerk at BRO\_chambers@cacd.uscourts.gov.

19 The Court directs counsel to use the instructions from the *Manual of Model*  
20 *Jury Instructions for the Ninth Circuit* where applicable. Where California law is to  
21 be applied and the above instructions are not applicable, the Court prefers counsel to  
22 use the California Jury Instructions in CACI. If none of these sources is applicable,  
23 counsel are directed to use the instructions in Devitt, Blackmar and Wolff, *Federal*  
24 *Jury Practice and Instructions*.

25 Modifications of instructions from the foregoing sources (or any other form  
26 instructions) must specifically state the modification made to the original form  
27 instruction and the authority supporting the modification.

1 Each requested instruction shall be set forth in full; be on a separate page; be  
2 numbered; cover only one subject or principle of law; not repeat principles of law  
3 contained in any other requested instructions; and cite the authority for a source of  
4 the requested instruction. In addition to the foregoing, each party shall file with the  
5 Courtroom Deputy on the first day of trial a "clean set" of the aforesaid requested  
6 duplicate jury instructions in the following form: Each requested instruction shall be  
7 set forth in full; be on a separate page with the caption "COURT'S INSTRUCTION  
8 NUMBER \_\_"; cover only one subject or principle of law; and not repeat principles  
9 of law contained in any other requested instruction. The "clean set" shall not cite the  
10 authority for a source of the requested instruction. Counsel shall also provide the  
11 Court with an electronic copy in Microsoft Word format. The parties shall provide  
12 hyperlinks to case citations.

13 An index page shall accompany all jury instructions submitted to the Court.  
14 The index page shall indicate the following:

- 15 • the number of the instruction;
- 16 • a brief title of the instruction;
- 17 • the source of the instruction and any relevant case citation; and
- 18 • the page number of the instruction.

19 ***EXAMPLE:***

20 <u>NO.</u>	<u>TITLE</u>	<u>SOURCE</u>	<u>PAGE NO.</u>
21 5	Evidence for Limited Purpose	9 <sup>th</sup> Cir. 1.5	9

22  
23 During the trial and before argument, the Court will meet with counsel and  
24 settle the instructions. Strict adherence to time requirements is necessary for the  
25 Court to examine the submissions in advance so that there will be no delay in starting  
26 the jury trial. **Failure of counsel to strictly follow the provisions of this section**

1 **may subject the non-complying party and/or its attorney to sanctions and**  
2 **SHALL CONSTITUTE A WAIVER OF JURY TRIAL in all civil cases.**

3 **3. TRIAL EXHIBITS**

4 Counsel are to prepare their exhibits for presentation at the trial by placing  
5 them in binders which are indexed by exhibit number with tabs or dividers on the  
6 right side. Counsel shall submit to the Court an original and one copy of the binders.  
7 The exhibits shall be in a three-ring binder labeled on the spine portion of the binder  
8 as to the volume number and contain an index of each exhibit included in the volume.  
9 Exhibits must be numbered in accordance with Fed. R. Civ. P. 16, 26 and the Local  
10 Rules.

11 Joint Exhibit list shall indicate which exhibits are objected to, the reason for  
12 the objection, and the reason it is admissible. Failure to object will result in a waiver  
13 of objection.

14 The Court requires that the Joint Exhibit List, the Joint Witness List, the  
15 Statement of the Case be emailed to the Courtroom Deputy Clerk at  
16 BRO\_chambers@cacd.uscourts.gov, no later than the Thursday prior to the trial  
17 date.

18 The Court requires that the following be submitted to the Courtroom Deputy  
19 Clerk on the first day of trial:

- 20 • The original exhibits with the Court's exhibit tags shall be stapled to the  
21 front of the exhibit on the upper right-hand corner with the case number,  
22 case name, and exhibit number placed on each tag. Exhibit tags can be  
23 obtained from the Clerk's Office, Room G-8, 312 North Spring Street,  
24 Los Angeles, CA 90012.
- 25 • One bench book with a copy of each exhibit for use by the Court,  
26 tabbed with numbers as described above. (Court's exhibit tags not  
27 necessary.)

- 1 • Three (3) copies of exhibit lists.
- 2 • Three (3) copies of witness lists in the order in which the witness may
- 3 be called to testify.
- 4 • Counsel are ordered to submit a **two (2)** page joint statement of the case
- 5 twenty-eight (28) days before trial that the Court may read to the
- 6 prospective panel.
- 7 • All counsel are to meet no later than ten (10) days before trial and to
- 8 stipulate so far as is possible as to foundation, waiver of the best
- 9 evidence rule, and to those exhibits which may be received into
- 10 evidence at the start of trial. The exhibits to be so received will be
- 11 noted on the copies of the exhibit lists that are emailed to the Courtroom
- 12 Deputy Clerk.
- 13 • Counsel may, but need not, submit brief proposed voir dire questions
- 14 for the jury twenty-eight (28) days before the Trial. The Court will
- 15 conduct its own voir dire after considering any proposed voir dire
- 16 submitted by counsel.
- 17 • Any items that have not been admitted into evidence and are left in the
- 18 courtroom overnight without prior approval will be discarded.
- 19 • In most cases the Court will conduct its initial voir dire of fourteen
- 20 prospective jurors who will be seated in the jury box. Generally, the
- 21 Court will select seven or eight jurors.
- 22 • Each side will have three peremptory challenges. If fourteen jurors are
- 23 seated in the box and all six peremptory challenges are exercised, the
- 24 remaining eight jurors will constitute the panel. If fewer than six
- 25 peremptory challenges are exercised, the eight jurors in the lowest
- 26 numbered seats will be the jury. The Court will not necessarily accept
- 27 a stipulation to a challenge for cause. If one or more challenges for

1 cause are accepted, and all six peremptory challenges are exercised, the  
2 Court may decide to proceed with six or seven jurors.

3 VI. CONDUCT OF ATTORNEYS AND PARTIES

4 A. OPENING STATEMENTS, EXAMINING WITNESSES, AND  
5 SUMMATION.

- 6 1. Counsel must use the lectern for opening statements, examination of  
7 witnesses, and summation.
- 8 2. Counsel must not consume time by writing out words, drawing charts  
9 or diagrams, etc. counsel may do so in advance and explain that the item  
10 was prepared earlier as ordered by the Court to save time.
- 11 3. The Court will honor (and may establish) reasonable time estimates for  
12 opening and closing arguments, examination of witnesses, etc.

13 B. OBJECTIONS TO QUESTIONS

- 14 1. Counsel may not use objections for the purpose of making a speech,  
15 recapitulating testimony, or attempting to guide the witness.
- 16 2. When objecting, counsel must rise to state the objection and state only  
17 that counsel objects and the legal ground of objection. If counsel  
18 wishes to argue an objection further, counsel must ask for permission  
19 to do.

20 C. GENERAL DECORUM

- 21 1. Counsel should not approach the CRD or the witness box without  
22 permission. If permission is given, counsel should return to the lectern  
23 when the purpose has been accomplished. Counsel should not question  
24 a witness at the witness stand.
- 25 2. Counsel and parties should rise when addressing the Court, and when  
26 the Court or the jury enters or leaves the courtroom.

- 1 3. Counsel should address all remarks to the court. Counsel are not to  
2 address the CRD, the court reporter, persons in the audience, or  
3 opposing counsel. If counsel wish to speak with opposing counsel,  
4 counsel must ask permission to do so. Any request for the re-reading  
5 of questions or answers shall be addressed to the Court. Such request  
6 should be limited. Request may not be granted.
- 7 4. Counsel, should not address or refer to witnesses or parties by first  
8 names alone. Young witness (under 14) may, however, be addressed  
9 and referred to by first names.
- 10 5. Counsel must not offer a stipulation unless counsel has conferred with  
11 opposing counsel and has verified that the stipulation will be acceptable.
- 12 6. While Court is in session, counsel must not leave counsel table to confer  
13 with any personnel or witnesses in the back of the court room unless  
14 permission has been granted in advance.
- 15 7. Counsel should not by facial expression, nodding, or other conduct  
16 exhibit any opinion, adverse or favorable, concerning any testimony  
17 being given by a witness. Counsel should admonish counsel's own  
18 clients and witnesses to avoid such conduct.
- 19 8. Counsel should not talk to jurors at all, and should not talk to co-counsel,  
20 opposing counsel, witnesses or clients where the conversation can be  
21 overheard by jurors. Each counsel should admonish counsel's own  
22 clients and witnesses to avoid such conduct.
- 23 9. Where a party has more than one lawyer, only one may conduct the  
24 direct or cross-examination of a particular witness, or make objections  
25 as to that witness.

26 D. PROMPTNESS OF COUNSEL AND WITNESSES

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1. The Court makes every effort to begin proceedings at the time set. Promptness is expected from counsel and witnesses. Once counsel are engaged in trial, this trial is counsel's first priority. The Court will not delay the trial or inconvenience jurors except under extraordinary circumstances. The Court will advise other courts that counsel are engaged in trial in this Court on request.
2. If a witness was on the stand at a recess, counsel must have the witness back on the stand ready to proceed, when the court session resumes.
3. If a witness was on the stand at adjournment, counsel must have the adjacent to, but not on the stand, ready to proceed when the court session resumes.
4. Counsel must notify the CDR in advance if any witness should be accommodate based on a disability or for other reasons.
5. No presenting party may be without witnesses. If counsel has no more witnesses to call and there is more than a brief delay, the Court may deem that party to have rested.
- 6.. The Court attempts to cooperate with professional witnesses and will, except in extraordinary circumstances, accommodate them by permitting them to be called out of sequence . Counsel must anticipate any such possibility and discuss it with opposing counsel. If there is an objection, counsel must confer with the Court in advance.

IT IS SO ORDERED.

DATED:



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BEVERLY REID O'CONNELL  
UNITED STATES DISTRICT JUDGE

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**JUDGE BEVERLY REID O'CONNELL  
SCHEDULE OF TRIAL AND PRETRIAL DATES**

<b>Matter</b>	<b>Time</b>	<b>Weeks before trial</b>	<b>Plaintiff(s) (Request)</b>	<b>Defendant(s) (Request)</b>	<b>Court Order</b>
<b>Trial (jury) Estimated length: ____ days</b>	8:30 am				
<b>Jury trial - Hearing on Motions in Limine</b>		-1			
<b>Hearing on Disputed Jury Instructions</b>	1:30 pm	-2			
<b>Pretrial Conference; Proposed Voir Dire Q.s. Lodged; file Agreed-to Statement of Case; File Agreed Upon Set of Jury Instructions and Verdict Forms; File Joint Statement re Disputed Instructions, Verdicts, etc.</b>	3:00 pm	-4			
<b>Motions in Limine to be filed</b>		-5			
<b>Lodge Pretrial Conf. Order; File Memo of Contentions of Fact and Law; Exhibit &amp; Witness Lists</b>		-6			
<b>Last date to file Joint Report re ADR proceeding</b>		-7			
<b>Last date to conduct ADR proceeding</b>		-8			
<b>Last day for hearing motions</b>	1:30 pm	-9			
<b>Discovery cut-off [Note: Expert disclosure no later than 70 days prior to this date.]</b>		-10			
<b>Last to Amend Pleadings or Add Parties</b>					